

IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF
COLUMBIA CIRCUIT
No. 17-7035 (Lead Case), 17-7039

AMERICAN SOCIETY FOR TESTING AND MATERIALS; AND NATIONAL
FIRE PROTECTION ASSOCIATION, INC.; AND AMERICAN SOCIETY OF
HEATING, REFRIGERATING, AND AIR-CONDITIONING ENGINEERS,
INC.,

Plaintiffs-Appellees,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant-Appellants.

AMERICAN EDUCATIONAL RESEARCH ASSOCIATION, INC.;
AMERICAN PSYCHOLOGICAL ASSOCIATION, INC.; AND NATIONAL
COUNCIL OF MEASUREMENT IN EDUCATION, INC.,

Plaintiffs-Appellees,

v.

PUBLIC.RESOURCE.ORG, INC.,

Defendant-Appellants,

AMERICAN SOCIETY FOR TESTING AND MATERIALS; NATIONAL FIRE
PROTECTION ASSOCIATION, INC.; AND INC., AMERICAN SOCIETY OF
HEATING, REFRIGERATING, AND AIR-CONDITIONING ENGINEERS,
INC.,

Intervenors-Appellees,

**NOTICE OF INTENT TO PARTICIPATE AS *AMICI CURIAE* AND
REPRESENTATION OF CONSENT TO PARTICIPATE**

Pursuant to Circuit Rule 29, the following individuals (hereinafter
“Intellectual Property Professors”) notify this Court that they intend to participate
as *amici curiae* on behalf of the Appellants:

Stacey Dogan, Boston University School of Law
Jessica Litman, University of Michigan Law School
Mark P. McKenna, Notre Dame Law School
Betsy Rosenblatt, Whittier Law School
Elizabeth I. Winston, Catholic University, Columbus School of Law
Rebecca Tushnet, Harvard Law School

The Intellectual Property Professors note that all parties have consented to the
filing of their *amicus* brief.

Respectfully submitted,

/s/ Samuel R. Bagenstos
625 S. State St.
Ann Arbor, MI 48109
734-647-7584
sbagen@gmail.com

Mark P. McKenna
Notre Dame Law School
3120 Eck Hall of Law
Notre Dame, IN 46556
(574-631-9258
markmckenna@nd.edu

Rebecca Tushnet
Harvard Law School
1515 Massachusetts Avenue
Cambridge, MA 02138
703-593-6759
rtushnet@law.harvard.edu

Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2017, the foregoing was filed and served upon all counsel of record electronically by filing a copy of the document with the Clerk through the Court's ECF system.

/s/ Samuel R. Bagenstos
Counsel for *Amici Curiae*